

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Hancock

February 18, 2003

An act to add Article 2 (commencing with Section 1915) to Chapter 2 of Part 7 of the Labor Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as introduced, Hancock. Public employment.

Under existing law as construed by the courts, a probationary civil service employee ordinarily has no property interest in continued public employment and may be dismissed without a hearing or judicially cognizable good cause.

This bill would require that a probationary employee of a public agency, as defined, whose employment has been terminated be given a written statement of the reason or reasons for termination. Because this bill would impose unique requirements on local public agency employers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 1915) is added to Chapter 2 of Part 7 of the Labor Code, to read:

Article 2. Dismissal Procedures for Probationary Employees

1915. The definitions set forth in this section shall govern the construction and meaning of the terms used in this article:

(a) "Public agency" means every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 5 (commencing with Section 45100) of Part 25 and Chapter 4 (commencing with Section 88000) of Part 51 of the Education Code or the state.

(b) "Termination" means the cessation or substantial cessation of employment in a public agency.

(c) "Probationary employee" means an employee who has not attained permanent status in the public agency as defined in the local rules or memorandum of understanding of that public agency.

1916. A probationary employee whose employment has been terminated shall be given a written statement of the reason or reasons of termination.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),

- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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